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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,229	02/27/2002	Joerg Wurft	2020318	7795

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EXAMINER

BELLINGER, JASON R

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/086,229

Applicant(s)

WURFT, JOERG

Examiner

Jason R Bellinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: detail 133. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
  
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: detail 132. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: On page 1, line 9, and page 2, lines 14-15, reference to claim 1 should be removed from the specification. Also on page 2, lines 17-18, reference to the claims should be removed. The specification should not rely on the claims in any way to describe the invention, due to the fact that the specification and the claims are considered separate sections of the application.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maiworm et al. Maiworm et al shows the use of a wheel having a magnesium alloy key unit 2 with a central area with attachment bores 17 for bolts 5, as well as a hub bore 8 and a ring-shaped placement area (generally at 25) for being mounted to a disc brake (6 & 7). Spacer unit 10 is formed from an aluminum alloy.

Maiworm et al does not specify the type of material that the bolt bore spacer unit 13 is formed from, besides stating that it may be made from the same material as hub bore spacer unit 11 (namely a fiber reinforced nylon, see column 4, lines 8-10). However, it would have been obvious in the art at the time of the invention to provide the bolt and hub bore spacer units from the same aluminum alloy material as that of the ring-shaped placement area spacer unit 10 for the purpose of reducing the cost of purchasing and machining multiple types of materials, creating a more uniform aesthetic appearance to the wheel, and to prevent corrosion between the magnesium alloy wheel and the hub of the brake.

The spacer units (10, 11, 13) are attached in an unlosable manner to the key unit 2 of the wheel. The spacer unit 10 in the placement area 25 is a spacing disk. The

spacer unit 11 for the hub bore 8 is a spacing tube. The spacer unit 13 for the bolt bores 17 is spacing liners that penetrate the bores 8 and are press-fit therein. The spacing disk 10 has penetrating bores 12 through which the spacing liners 13 are guided and connected. The spacing liners 13 have flange edges 14 to form an interlocking connection with the spacing disk 10.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al in view of Maiworm et al. Hummel shows the use of a wheel having a magnesium alloy key unit (2-3) with a central area with attachment bores for bolts 5, as well as a hub bore and a ring-shaped placement area for being mounted to a disc brake 20. Spacer unit 21 is formed from an aluminum alloy.

Hummel et al does not specify the type of material that the attachment bore spacer unit 7 is formed from. However, it would have been obvious in the art at the time of the invention to provide the bolt and hub bore spacer units from the same aluminum alloy material as that of the ring-shaped placement area spacer unit 21 for the purpose of reducing the cost of purchasing and machining multiple types of materials, creating a more uniform aesthetic appearance to the wheel, and preventing corrosion between the magnesium alloy wheel and the hub of the brake.

The spacer units (7 and 21) are attached in an unlosable manner to the key unit (2-3) of the wheel. The spacer unit 21 in the placement area is a spacing disk. The spacer unit 7 for the attachment bores is spacing liners that penetrate the bores and are press-fit therein.

Hummel et al does not show a spacer unit extending into the hub bore of the wheel. Maiworm et al teaches the use of a spacer unit 11 comprised of a spacing tube that at least partially penetrates the hub bore of the wheel. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the spacing element of Hummel et al with a spacing tube that at least partially penetrates the hub bore of the wheel, for the purpose of protecting the magnesium wheel from contact with the typically steel or iron axle or hub portion of the disc brake; thereby preventing corrosion between the wheel and the brake and/or axle.

Hummel et al as modified by Maiworm et al does not show the spacer tube being formed as a single piece with the spacing disk. However, Hummel et al does show the spacing disk 21 having a flange portion 21b that extends over a portion of the disc brake 20. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the spacing element of Hummel et al as modified by Maiworm et al with a spacing disk having an integral flange-like spacer tube for the purpose of reducing the number of parts that make up the spacer assembly, thus reducing assembly time.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered to show light metal wheels having spacer elements to prevent corrosion between dissimilar metals. For example, Grubisic et al shows a wheel of the type described above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R Bellinger whose telephone number is 703-308-6298. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 703-308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

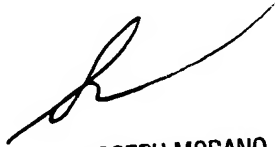
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Jason R Bellinger  
Examiner  
Art Unit 3617



jrb

February 22, 2003



S. JOSEPH MORANO  
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